

# CALIFORNIA APPRENTICESHIP COUNCIL 2006 QUARTERLY MEETING

## MINUTES

### THURSDAY, FEBRUARY 2, 2006

Chairman Callahan called the meeting to order.

Commissioner Kropke led those attending in the Pledge of Allegiance.

Acting DIR Director John Rea introduced the new DAS Chief, Dave Rowan.

Dave Rowan called the roll.

**Commissioners present:** Bert Tolbert, Carole Cresci Colbert, Wayne Lindholm, Leo Garcia, Anne Quick, Neil Struthers, Marvin Kropke, Max Turchen, Dick Zampa Jr., William Callahan, Cedric Porter, Aram Hodess, Ron Selge, Chief Dave Rowan & Acting DIR Director John Rea.

**Commissioners absent:** Michael Bernick.

Dave Rowan announced that they had a quorum.

**Minutes of the Previous Quarterly Meeting:** There were three sets of minutes to approve: September 29, 2005 Special Called Meeting, October 27-28, 2005 Quarterly Meeting and December 8, 2005 Special Called Meeting. There was a motion to approve all three sets of minutes. The motion was seconded. All commissioners voted in favor of the motion; none opposed.

**Announcements:** Bryan Goyette announced that at the CCA meeting, one of the functions will be to induct worthy individuals into the Hall of Fame at that meeting. Bryan encouraged all program sponsors to fill out an application to submit a nominee and the deadline is February 28, 2006. The selection process will take place in March or April and notice will be sent out via regular mail so that people can be inducted at the May CCA meeting.

Chairman Callahan made an announcement. He is still CAC Chairman because the Chair-elect (Dave Rowan) is now the new Chief of DAS. So, he re-appointed a nominating committee consisting of Commissioners

Turchen, Quick, Hodess and Struthers, to nominate a new CAC Chair and give their recommendation to the council later on in the day.

**Communications:** Chief Rowan gave the report (see attached Index of Communications).

### **BUSINESS SESSION – Legal Matters**

Julian Standen, Attorney General’s Office, gave the reports.

**ATELS – Derecognition Proceedings 29 CFR 29.13** – This case is number 105 on the appellate panel’s docket. The panel decides approximately 15 cases month. So, he expects a decision in the late summer.

**WECA v. CAC, Sacramento Superior Court No. 05CS00066** – The case was dismissed because WECA’s geographic expansion subsequently has been approved.

**California Pipe Trades, et al v. CAC, San Francisco Superior Court Case No. CPF 05-505615** – This case involved the PHCC geographic expansion. Court entered judgment in the council’s favor on January 24, 2006 and that it has been appealed by the CA Pipe Trades.

No action is needed by the council on any of these matters.

### **BUSINESS SESSION – Appeal Board Decisions**

Max Turchen gave the reports (see attached).

**Kem Nandkeshwar v. Santa Clara County Electrical JATC Case No: 05-CAC-01** – Commissioners Turchen, Garcia and Tolbert were appointed to the panel to submit a recommendation on the appeal. The panel concluded that a hearing on the appeal was not necessary. The unsatisfactory evaluations are cause for termination under the JATC’s Rules. The appeal of Kem Nandkeshwar from the Administrator’s decision is denied. They recommend that the CAC adopt the decision. There was a motion to amend the Real Party in Interest to “Santa Clara County Electrical JATC”. The motion was seconded. All commissioners voted in favor of the motion to amend; none opposed. The motion passed.

There was a motion to approve the panel’s recommendation to deny the appeal. The motion was seconded. All commissioners voted in favor of the motion; none opposed. The motion passed.

**Beverly Evans v. Los Angeles County Electrical JATC Case No: 05-CAC-02** – Commissioners Turchen, Garcia and Tolbert were appointed to the panel to submit a recommendation on the appeal. The panel held an evidentiary hearing on October 26, 2005 in Los Angeles. The JATC's failure to perform its obligations to Evans outweighed Evans' minor failings. The decision of the Administrator is reversed. Evans shall be reinstated through the JATC. Commissioners Turchen and Garcia recommend that the CAC adopt the decision and reinstate Evans. Commissioner Tolbert recommend that the CAC uphold the Administrator's decision and deny Evans' appeal. There was a motion to approve the panel's majority recommendation (Commissioner Turchen and Garcia's report). The motion was seconded. After some discussion, more commissioners voted in favor of the motion than those who opposed. The motion passed.

**Rein Floyd v. Pipe Trades of Santa Clara and San Benito Counties Case No: 06-CAC-01** – There is no decision at this time because the appeals' panel was just appointed earlier in the day. The appeals panel consists of Commissioners Turchen, Porter and Garcia.

#### **BUSINESS SESSION – Old Business**

**Status of amendment to Title 8 CCR Section 212.01(b)(1)** – The Rules & Regulations Committee is still working on this and hope to have a report completed in the near future.

**Electrical Certification Report** – Bryan Goyette gave the report. During the time frame between the December 8, 2005 Special Called Meeting and the December 30, 2005 certification application postmarked deadline, DAS received approximately 7000-9000 applications. Currently, all certification applications received have been processed and those names are available on the DAS searchable web-base thanks to Glen Forman and Jean Dedieu. Electrician Trainee applications postmarked by December 30, 2005 which provided DAS with proof of enrollment form by January 30, 2006 would be registered with DAS. DAS received about 2650 trainee applications. As of January 31, 2006, the number of certification applications received is 43,665. The number of exams authorized is 43,950 because some are requesting more than one test. The exams taken are 25,609 and of that, 20,102 have passed and 5,507 have failed.

Chief Rowan stated that according to the testing firm, they have about 1000 test dates scheduled over the next 60-90 days. Based on those statistics, there are about 20,000 people that are in this grace period that must past the test before June 1, 2006. They are looking into extending the capacity; however, it is not likely that those people will get

processed through the testing. He told the legislature that they will ask for additional input to be able to address questions such as “Are there enough electricians in California to perform the work?” At this time, DAS is unable to answer this, but are looking for ways to do so.

Bryan Goyette reported that on January 12, 2006, for the General Electrician exam, 32,838 were authorized, 21,456 had taken the exam, 17,613 had passed, 3,843 failed and 888 were no-shows. For the Residential exam, 4,375 were authorized, 1,800 had taken the exam, 761 passed, 1,078 failed and 161 were no-shows. For the Fire Life Safety exam, 4,203 were authorized, 2,275 had taken the exam, 1,698 passed, 577 failed and 110 were no-shows. For the Spanish version, 161 exams were given and only 4% (or 6 people) have passed. When the Chief addressed the Legislature, he indicated that another issue that must be investigated is the low passing rate for the Spanish version of the exam. The Electrical Curriculum Committee met earlier this week and will meet again later this month to try and expand the school opportunities for Electrician Trainees in the state.

Chief Rowan made a motion for the CAC to ask representatives of its members to serve on an advisory committee to the Chief of DAS to solicit, compile and evaluate information on the status of the electrical certification program. Further, that the focus of the committee include, but not be limited to, the three subjective questions that must be addressed in the DAS report to the Legislature following the June testing deadline. These questions are: 1) the estimated number of individuals performing work for Class C-10 electrical contractors for which certification will be required after the deadline for certification who have not yet been certified and who are not enrolled in apprenticeship programs or registered as trainees. 2) Whether enforcement of the deadline for certification will cause a shortage of electricians in California. 3) Whether persons who wish to become certified electricians will have an adequate opportunity to pass the certification exam to register as trainees or to enroll in apprenticeship program prior to the deadline for certification. He further moved that the CAC authorize a member representative of a signatory organization and non-signatory organization and a public member to join other representatives of interested parties. Finally, that the chair of the committee appoint members. The motion was seconded. After some discussion, all commissioners voted in favor of the motion; none opposed. The motion passed.

Chairman Callahan asked Commissioners Garcia, Kropke and Turchen to serve on the advisory committee to the Chief of DAS.

## **BUSINESS SESSION – New Business**

Chief Rowan discussed a letter from Sandra Benson re: distribution of training funds (see attached). Chief Rowan stated that the state budget has granted DAS spending authority for this fiscal year in the amount of \$1,180,361.00. There are additional funds available for future distribution and DAS has requested a meeting with the state budget office to discuss it. Also, legislation allows some of the DAS cost of facilitating this to be shared from that fund. By March 1<sup>st</sup>, a funding request form will be distributed to each appropriate program. The form will require the program administrator to list the number of apprentices during a specific period of time the funds cover and the program administrator will sign that the information provided is accurate under penalty of perjury. After about a six week time limit, the funds will be distributed. Also, Glen Forman will work on the mechanism by which to distribute this as required by CCR Title 8 Section 230.2. DAS will work with the state budget office to develop a report on the fund balance and distribution process that will be reported at the May 2006 CAC meeting.

## **BUSINESS SESSION – Notice of Appeals to the Council during the Quarter**

There were no appeals.

## **BUSINESS SESSION – Automatic Orders of the Council**

There were no automatic orders.

## **CAC STANDING COMMITTEE REPORTS**

### **Equal Opportunity Committee Report (February 1, 2006) –**

Commissioner Quick gave the report. Women in Apprenticeship will be included in the committee. A draft report is circulating through the committee and it will not be done until the July 2006 CAC meeting. There will be supporting documentation of the survey that Tradeswomen, Inc. did and they will be making some recommendations to the council.

Bryan Goyette continued the report. The roll was called and there was a quorum. The committee took action to approve the EO meeting minutes of October 26, 2005. Commissioner Quick explained how she distributed the Blue Ribbon report and survey and the Chair described the process on which the document was forwarded to the CAC for action and recommendation. There was additional discussion on separating the Blue Ribbon Survey to the CAC from the EOA report that was going to be combined with it. So, a motion passed to keep those reports separate. More discussion was held to expand the Tradeswomen, Inc. information

about that survey and the Chair agreed. Furthermore, after some discussion, there was a motion to clean up the language and make more documentation about the survey findings and about the sexual harassment topics. There was some discussion, at the CCA planning meeting, that it was going to be one of the workshops coming up at the CCA. It will be presented to the council in May 2006. The Chair asked the committee about other topics of interest and one was retention. They discussed women and minorities entering the trade and how retention has dropped off over the years. There was discussion about maybe getting Jack O'Connell to promote apprenticeship to the State-Wide Conference of Educators, the Superintendents of the various committees or counties meet annually and if we can get some kind of presentation about promoting apprenticeship. Al Tweltridge talked about the orientation of apprenticeship that they had assisted in and Jeannie Holmes had produced the booklet Apprenticeship – A Guide for Educators. Also, the CA Department of Education had done some work with Building Trades on Outreach. There was further discussion on getting more involvement from the high schools at the state level in apprenticeship awareness. Jim Westfall spoke on his experience in using high school interns in the learning process about how their trades are operating. Commissioner Garcia asked about uniform sexual harassment training and stated that the committee would make an example course soon and possibly forward it to the Rules and Regulations for action. Beth Youhn spoke about her experience and she has seen sexual harassment training take the form, for companies that have more than 15 employees, of attorneys for those companies explaining how to avoid lawsuits. But that was not their intent and Tradeswomen, Inc. reported that they wanted to have more of a workshop format addressing and focusing on what is inappropriate behavior on the jobsite. Barry Noonan spoke about possibly seeing this committee pass a motion to have Barry ask Jose Milan and other community college officials to hold a break out session at one of their state-wide retreats or promotion activities. There was discussion about sub-committees on non-traditional trades, the Chair asked for volunteers and health care was going to be one of them as non-traditional industry. Also, Barry elaborated on their Psych Tech program that is being done at the state hospitals.

#### **Rules and Regulation Committee Report (February 2, 2006) –**

Commissioner Hodess gave the report. Agendas for future meeting will be posted on the DAS website. First topic was 212(g) which deals with notice to program sponsors of new or expanded programs. The committee will meet between now and the July meeting and will solicit comments from the public and the apprenticeship community for consideration as to how to clarify how service should be made for proposals to approve new or expanded programs and to whom service

should be made to. There was a long discussion. A second topic was ways to formalize the submission of evidence for the 212.2 review process of new and expanded programs. Once again, the committee will solicit comments from the public and the apprenticeship community and direct them to Bryan Goyette at DAS in hopes to have a recommendation or at least issues to discuss at the July meeting. There was a discussion on modification to the industry minimum standards 212.01. There were issues on what constituted a sufficient number of representatives on a minimum standards committee. Bryan will be emailing the tentative language to the Rules and Regs committee members and it will also be posted on the website. Again, they would like to solicit comments from the public and the apprenticeship community on changes to 212.01. Distance learning appears to not be widely used. Barry Noonan, Al Tweltridge, along with 19 programs, responded that they use some type of distance learning, 57 responded that they did not. The committee is looking at what type of distance learning curriculums are being used in apprenticeship, community college and vocational training. The committee would like to solicit comments from the public and the apprenticeship community on ideas about what types of distance learning would be appropriate. Barry Noonan reported that Section 3074 of the CA Labor Code allows distance learning, but the committee wants to make sure that they have some type of criteria where they can judge the effectiveness of curriculums, instructors and attendance. RSI money has the potential to be reimbursed for distance learning and they want to make sure it is properly expended.

**California Conference on Apprenticeship (February 1, 2006)** – Pete Saucedo gave the report. The next CCA meeting will be May 2 – May 5 in San Diego. On May 2<sup>nd</sup> pre-conference, they will have a golf event in Mexico with transportation provided via bus. Afterwards, the bus will go to Puerto Nuevo for a Lobster dinner. On May 2<sup>nd</sup>, there will also be two fishing events in the morning and afternoon. On May 3<sup>rd</sup> -4<sup>th</sup>, they will have modules and seminars to try and expose the educational community to apprenticeship and the opportunities that are available. He encouraged all programs in the state to participate and letters will be sent out asking for \$1.00 per apprentice contribution. Hall of Fame nominations will go out and it is a very short period to respond, only two weeks and the deadline is February 28. In hotel information, it will be at the Hyatt Islandia in San Diego and they do have a room block under CCA.

**California Department of Education** – Richard Dahl gave a combined report for RSI and for CDE (see attached).

## **BUSINESS SESSION – Old Business**

**Nominating Committee** – The nominating committee, consisting of Commissioners Turchen, Quick, Hodess and Struthers, recommended Commissioner Max Turchen to be the next CAC Chair. There was a motion to accept the nomination. The motion was seconded. All commissioners voted in favor of the motion; none opposed.

The meeting was adjourned until Friday morning.

## **FRIDAY, FEBRUARY 3, 2006**

Chairman Turchen called the meeting to order.

Commissioner Zampa led those attending in the Pledge of Allegiance.

Dave Rowan called the roll.

**Commissioners present:** Bert Tolbert, Carole Cresci Colbert, Wayne Lindholm, Leo Garcia, Anne Quick, Neil Struthers, Marvin Kropke, Max Turchen, Dick Zampa Jr., William Callahan, Cedric Porter, Aram Hodess, Ron Selge, Chief Dave Rowan & Acting DIR Director John Rea.

**Commissioners absent:** Michael Bernick.

Dave Rowan announced that they had a quorum.

**Announcements:** There were no announcements.

## **BUSINESS SESSION CONTINUED**

Chairman Turchen presented Commissioner Callahan with a clock in recognition and appreciation of his service as CAC Chair for 2005.

Chairman Turchen appointed Commissioners Callahan, Cresci Colbert and Zampa, Jr. to be on the Hall of Fame Honorees committee.

## **Industry Minimum Training Criteria Reports:**

- 1) **Surveyor Industry** – Bryan Goyette gave the report. The committee met and formalized their document. Since the representative is not present, it cannot be offered, but it should be ready by the next meeting.



- 2) **Roofing Industry** – Commissioner Callahan gave the report. The committee met twice and have a third meeting scheduled in mid-April. Other than one issue pending, it has gone smoothly and he expects the minimum standards to be ready at the next council meeting.
- 3) **Carpenter Industry** – John Bullock gave the report. The committee met informally and put together some outlines. Then, the committee met formally and adopted the criteria. He thanked the committee for their hard work and it was a unanimously supported document by both sides, union and non-union. There was a motion to accept the Carpenter Industry Minimum Training Criteria report. The motion was seconded. All commissioners voted in favor of the motion; none opposed.
- 4) **Elevator Mechanic Industry** – Patrick McGarvey, Business Manager of Elevator Constructors Local 8 and Chair of the Elevator Mechanics Industry committee, gave the report. They established the committee and they are in the process of establishing the criteria which they will present at the May meeting.

**Training Fund Contributions** – Commissioner Callahan stated that 8 CCR 230.2(d) under the heading “Payment of Apprenticeship Contributions to the Council” were adopted regulations last April and went into effect last May. Commissioner Hodess asked if some of this money may be spent on performing audits. Acting DIR Director Rea and Fred Lonsdale, OD Legal, confirmed that it cannot. The Legislature allowed DAS to distribute \$1.2 mil. to the appropriate programs.

#### **RSI FUNDING UPDATE**

**Richard Dahl, California Department of Education** – The report was given on Thursday, February 2<sup>nd</sup>.

**Barry Noonan, California Community College Chancellor’s Office** – Barry Noonan, Apprenticeship Coordinator, gave the report (see attached). For 2004-2005, there was a 6.5% increase over the prior year. There is growth, but their budget has not changed. They have been stuck at \$12.729 mil. since 2001-2002 and at \$4.86 per hour. In 2004-2005, they are short \$954,262.00. For the current year 2005-2006, they are \$924,733 short, but that amount will drop thanks to the Northern CA Carpenters Morgan Hill and CA Department of Education (CDE). John Bullock was trying to consolidate, in one LEA, all of his programs and it will generate about \$228,000 less, if there is any kind of deficit reduction, and will be taken out of the CDE allocation and given to them.

## **REPORT OF ADMINISTRATIVE AND COOPERATING AGENCIES**

**Division of Apprenticeship Standards** – Dave Rowan gave the report (see attached).

### Retirements:

In the month of December, three long time advocates of training retired. Together they had over 100 years of experience dealing with some form of on-the-job training and over 50 years dealing solely with the apprenticeship community. Their expertise, knowledge, and historical memory will be greatly missed.

### Leo Hartland, Senior Consultant in Sacramento

Leo Hartland retired with 24 years of state service of which 20 years was spent in the Division of Apprenticeship Standards. Leo began work as a DAS consultant and in May, 2002 Leo was promoted to Senior Consultant of the Sacramento and Fresno offices. Leo worked closely with the Correctional Peace Office State Training program, California Firefighters and other statewide programs. He had a strong background in collective bargaining and brought to the Division an understanding of the negotiating process and the importance of the need to enforce the Standards in a fair and unbiased manner and still protect the rights of the apprentices. He was a strong supporter of apprenticeship and a familiar and welcomed face at the apprentice committee meetings in Sacramento and Redding.

### Joseph Sais, Consultant in Santa Ana

Joe Sais retired with 38 ½ years of state service on December 20, 2005. Joe began his career in state service with the Employment Development Department. He worked for EDD for over 30 years and rose through the ranks to Program Manager. He was familiar with on-the-job training programs and job development. He was a Training Coordinator of the teachers who provided formal training to the employment and unemployment units of EDD. He had a thorough knowledge of the rules and regulations on which EDD policies were based. He worked with employers seeking help, and employers providing placement services for displaced workers. Joe brought a wealth of knowledge and a strong work ethic. He knew the importance of laws and regulations and was able to utilize this skill in dealing with the Standards. He was conscientious and always did his research. He was a great asset and the committee came to appreciate his dedication.

### Lucille Acosta, Chief, DAS

Lucille Acosta retired on 12/30/2005 with a total of over 40 years of state service. Lucille's state service began on December 7, 1964 with the Employment Development Department. Shortly after completing the

unemployment insurance training, Lucille transferred to the Youth Opportunity Center to work with young men and woman seeking employment and training. She began working with the disadvantaged youth and wrote MDTA training grants and later managed the CETA-CWETA unit that solicited grants, wrote on the job training program and reviewed employer payroll records on a monthly basis before issuing checks. In 1978, she began working for the DAS. Lucille worked in the Santa Ana office and over the years has assisted most program sponsors in Southern California by amending, merging, or developing apprenticeship programs and resolving apprentice issues or public work violations. As senior consultant she supervised the Santa Ana and the San Diego office. As Area Administrator she managed the program management and operational function for Southern California. She reviewed all collective bargaining agreements and provided the apprentice breakout sheets for parallel program in Southern California prior to DLSR assuming this function. During the past two years she assisted in the planning and directing the work of the Division, wrote budget proposal and as Acting Chief and then Chief served as Secretary to the California Apprenticeship Council.

**Apprenticeship Training, Employer and Labor Services (ATELS) –**

Michael Longeuay gave the report. There has been discussion in revising federal regulations 29 CFR 29 and 29 CFR 30. The last revision was in 1977-1978. Proposed changes will come out in the federal register followed by public comment. It is in the federal regulations to periodically review a SAC council. The last time it was done in CA was 1999. Last year, BAT was directed to review all the SAC councils in the U.S. In Region 6, BAT reviewed Arizona, Nevada, and Oregon. This year, they scheduled Washington, Hawaii and California. It is a review of the statutes and regulations to see if they conform with the federal regulations. It will be conducted later on this year in August. There is a new DOL grant called WIRED (Workforce Innovation in Regional Economic Development). DOL issued 10 grants across the country. They were worth \$15 mil. each and run over a 3 yr. period. CA was the recipient of one of these grants. There is a non-profit agency called The CA Space Authority that will administer the grant. The counties involved are Alameda, Santa Clara, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Kern, Ventura, Los Angeles, Orange, San Bernadino, Riverside and San Diego. A statement from Secretary of Labor Elaine Chao stated, “we are launching a WIRED initiative to encourage regional communities to partner together and leverage their public and private sector assets in resources to develop a more highly skilled workforce to attract new economic development and employers.” This goes along with their high-growth initiative. In Region 6 in the state of Idaho, BAT State Director Barbara Adolay retired with more than 30 years of service. Bill Cober, BAT State Director in Oregon and Acting BAT State Director in

California, transferred to Idaho. Patty Garcia, Regional Executive Assistant in their San Francisco Office, was introduced as the new Acting State Director in California. She stated that both her and Michael Longeuay met with the Chief already and have talked about the possibilities of developing new apprenticeships in these high growth industries as well as continuing to serve the current apprenticeship community. Michael Longeuay continued that one of Patty's duties as the Acting State Director for BAT in California will be to attend the CAC quarterly meetings.

**California Community Colleges** – Barry Noonan gave the report (see attached).

**Department of Education** – The report was given on Thursday, February 2<sup>nd</sup>.

**Department of Corrections and Rehabilitation, Division of Juvenile Justice** – There was no report.

**Department of Corrections and Rehabilitation** – There was no report.

**California Apprenticeship Coordinators Association** – There was no report.

**CA Association for the Advancement of Apprenticeship Training** – Terry Seabury stated that since the President of CAAAT and the report were not available at this time, the report will be given at the next CAC meeting.

**Women's Bureau** – There was no report.

**WINTER** – Mary Tramil, San Francisco Human Rights Commission, spoke in place of WINTER. There are CBOs that work with apprenticeship for a long time, but this is their first time attending a CAC meeting. So, they introduced themselves. Judy Soral and Lily Morales works in a community-based organization in San Francisco called the Mission Hiring Hall. Judy Soral is the Program Coordinator in Construction and she works with the redevelopment agency and with the human rights commission in the Mayor's office as far as placing people on jobs, some of them have quotas and some do not. They encourage anyone interested to get involved in an apprenticeship program and to become union members. Some problems that still exist with them are more trades opening up a little more often. They work with a lot of disadvantaged youths and people who come from a different social economic background and union dues sometimes become a problem. A couple other things are mentoring on jobs which doesn't seem to be quite

as much as before and the apprentice may not have all the information or training when they reach to journey level. So, they work with people to get them into apprenticeship programs and they are grateful for it.

**California Workforce Investment Board: Partners** – There was no report.

-----

The next CAC Quarterly Meeting will be in San Diego in May 2006.

**Adjournment:** With no further business, Chairman Turchen asked for a motion to adjourn the CAC meeting. The motion was made, seconded and approved. The meeting was adjourned.

DRAFT